

Department of Health

Vermont's Smoke-Free Laws

Smoking in Public Places Law

This law, which is also called the Clean Indoor Air Act, bans the smoking of tobacco products in nearly all the common areas of indoor “places of public access.” This includes any place of business that serves the public or that the public has access to use – both public and privately owned and for profit or not-for-profit organizations. As of September 1, 2005, private clubs and bars are now included under the law.

Examples of public places that prohibit smoking include:

- Buildings and offices
- Means of transportation
- Common carrier waiting rooms, like bus stations
- Arcades, libraries, theaters, concert halls, auditoriums, arenas, shopping malls, museums, art galleries, sports and fitness facilities, planetariums, historical sites, barber shops, hair salons, and laundromats
- Restaurants, bars and cabarets
- Retail and grocery stores
- Hotels and motels, including lobbies, hallways, elevators, restaurants, restrooms, and cafeterias
- Buildings or facilities owned or operated by social, fraternal, or religious clubs
- Common areas of nursing homes and hospitals

Private schools are also included. A separate Vermont law bans all tobacco use on the grounds of public schools (title 16 VSA, chapter 1, section 140). The Smoking in Public Places Law also applies to publicly owned buildings and offices which include indoor places or portions of places that are owned, leased, or rented by state, county or municipal governments, or by agencies supported by tax dollars.

Where does the Smoking in Public Places Law not apply?

The Vermont Smoking in Public Places Law is comprehensive and includes all places of public access.

What does an owner, manager or employee do if a patron is smoking a cigarette?

- The law requires that the owner or manager ask the person to put out the cigarette.
- If the person refuses then the law directs the owner, manager or employee to ask the person to leave the premise.
- If the person refuses to leave then you may call a local police officer. A member of the public can also call the police.

What are the penalties for violating the Smoking in Public Places Law?

A person who is smoking in a public place, and an owner who does not take action as noted above, are both subject to penalties for noncompliance, including civil court action and criminal penalties up to \$10,000 for each violation.

Smoking in the Workplace Law

In 2009, Vermont amended its Smoking in the Workplace law to prohibit smoking inside all areas of the workplace. Prior to this amendment the law allowed employers to designate smoking areas if they obeyed certain rules. Now the law requires all indoor areas of workplaces to be 100% smoke-free.

Where does the Smoking in the Workplace Law not apply?

The workplace smoking prohibition does not apply to any portion of a structure that serves as the employees or employers personal residence. The law also does not apply to that designated portion of the indoor area of the (Bennington) Vermont Veterans Home, where smoking is permitted.

What does the Smoking in Workplace Law require an employer to do?

The smoke-free workplace law creates a ban on smoking in any and all buildings that serve as a place where employees work for their employer, and eliminates indoor designated smoking areas.

The Department of Health recommends that employers post the 100% Smoke-Free poster, which is available to download and print at healthvermont.gov. The QUIT@WORK kit is also available for employers seeking to help link employees to free quit smoking resources.

May employees smoke outside the building?

Yes. The workplace law does not restrict smoking outdoors. However, according to the US Surgeon General there is no safe level of secondhand smoke exposure, so employers may want to consider setting policies that ban or restrict smoking near windows, doorways and building air supply intakes. This will help to prevent smoke from entering the building.

Can an employer establish other smoke-free policies, like for cars or outdoor areas?

The law only applies to workplaces within enclosed structures, like office buildings. However, many Vermont employers have already voluntarily established smoke-free campus policies or smoke-free outdoor areas around the perimeter of buildings. Setting policies for smoking in company vehicles, or vehicles located on company property, is up to the individual employer. Sample policies are available online at healthvermont.gov.

What actions can employees take if they are exposed to smoke at their workplace?

They may file a complaint with the Department of Health by calling 1-866-331-5622. The Department of Health will give the employer written notification of the alleged violation and remind them of the indoor smoking prohibition. If the employer refuses to come into compliance a penalty of \$100 may be imposed.

The law prohibits an employer from retaliating against an employee because that employee assisted in the supervision or enforcement of the workplace smoking requirements. If an employee believes their employer has taken action against them due to such efforts they may, within 30 days after such a violation, file a complaint with the Commissioner of the Department of Health. The Commissioner must investigate such complaints and if he or she determines that there has been retaliation bring court action against the employer. The court may determine appropriate relief including, reinstatement and back pay.

Quit Smoking Resources

The **Vermont Quit Network** offers the following quit smoking services to Vermont residents at no charge: phone or in-person coaching, on-line support and self-help tools at VTQuitNetwork.org or by calling 1-800-QUIT-NOW (784-8669). Any Vermonter who signs up for coaching can access nicotine replacement products – gum, patches or lozenges – delivered directly to their home.

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